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09/396,429	09/15/1999	JOHN S. HENDRICKS	5815	7434

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[REDACTED] EXAMINER

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ART UNIT	PAPER NUMBER
2611	16

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Please find below and/or attached an Office communication concerning this application or proceeding.

12

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>
	09/396,429	HENDRICKS ET AL.
	<b>Examiner</b>	<b>Art Unit</b>
	Christopher Grant	2611

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE \_\_\_\_ MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 24 February 2003.
- 2a) This action is FINAL.                  2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-16 and 18-59 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1-16 and 18-59 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) The proposed drawing correction filed on \_\_\_\_\_ is: a) approved b) disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) The oath or declaration is objected to by the Examiner.

#### Priority under 35 U.S.C. §§ 119 and 120

- 13) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All b) Some \* c) None of:
1. Certified copies of the priority documents have been received.
  2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) The translation of the foreign language provisional application has been received.
- 15) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

#### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                   | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____  |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                          | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) <u>15</u> . | 6) <input type="checkbox"/> Other: _____                                    |

## DETAILED ACTION

### *Claim Rejections - 35 USC § 102*

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1, 14 and 24-25 are rejected under 35 U.S.C. 102(e) as being anticipated by Banker et al. (Banker) (5357276).

Considering claims 1, 14 and 24-25, Banker discloses a system comprising:

- a) a television program delivery system (10, figure 1);
  - b) a settop terminal (40,44, or 48, figure 1) having microprocessor (128,136) instructions for prompting generation of menus and comprising:
  - c) a television program receiver (100,150) for receiving television programs from one or more headends (10); and
- a hardware upgrade (an improved settop terminal as oppose to an older type set top terminal described in column 1) comprising:
- d) an interface (124, 126) to the set top terminal for receiving and processing subscriber input (col. 5, lines 7-25);
  - e) modem (col. 4, lines 40-50) capable of communicating with one or more headend (10), wherein the receiver receives television program signals based on subscriber input (see the entire reference including but not limited to col. 4, lines 40-57); and

f) wherein the hardware upgrade downloads data from one or more headends to a local storage (col. 6, line 59 – col. 7, line 3 and col. 7, lines 24-28).

**Applicants should note that claims 1, 14 and 24-25 are alternatively rejected over Graczyk and Banker below.**

***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-3, 10-16 and 19-29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Graczyk and Banker.

Considering claims 1, 14 and 24-25, Graczyk discloses a system comprising:

- a) a television program delivery system (broadcast or cable TV) (col. 5, lines 62-68);
- b) a terminal (24,26) having a microprocessor and comprising a receiver (col. 4, line 63-66) adapted to receive at least some of the television program signals;
- c) a hardware upgrade (12) comprising:
  - (c1) an interface (16450 interface) (col. 7, lines 9-18) to the terminal; and
  - (c2) a modem (104) connected to the interface capable of communicating with one or more headends (central facilities).

Although Graczyk discloses a multipurpose television terminal (24,26) and that various modifications and alternative embodiments are apparent (col. 36, lines 14-20), he

fails to specifically disclose a set top terminal having a microprocessor instructions for prompting generation of menus and a hardware upgrade comprising communicating and downloading data from one or more headend to a local storage, and wherein the settop terminal receives television program signals based on subscriber input as recited in the claims.

Banker discloses a system comprising:

- a) a settop terminal (40, figure 1) having microprocessor (128,136) instructions for prompting generation of menus and comprising: a television program receiver (100,150) for receiving television programs from one or more headends (10); and
- b) a hardware upgrade (improvement to the settop terminal) comprising: **an interface** (124, 126) to the set top terminal for receiving and processing subscriber input (col. 5, lines 7-25); **a modem** (col. 4, lines 40-50) capable of communicating with one or more headend (10), wherein the receiver receives television program signals based on subscriber input (see the entire reference including but not limited to col. 4, lines 40-57); and wherein the hardware upgrade **downloads** data from one or more headends to a local storage (col. 6, line 59 – col. 7, line 3 and col. 7, lines 24-28).

Banker's system facilitates an efficient two-way communication, menu selection between one or more headend and a subscriber terminal with data re-programmable and downloadable dynamic features.

It would have been obvious to one of ordinary skill in the art to modify Graczyk's system to include a set top terminal having a microprocessor instructions for prompting generation of menus and a hardware upgrade comprising communicating and downloading data from one or more headend to a local storage, and wherein the settop terminal receives television program signals based on subscriber input, as taught by Banker, for the advantage of creating an efficient two-way, menu selection with dynamic

re-programmable and downloadable data processing set top terminal in communication with one or more headend.

Claim 2 is met by the combined systems of Graczyk and Banker, wherein Graczyk discloses a processor (RC224) (figure 2).

Claim 3 is met by the combined systems of Graczyk and Banker, wherein Graczyk discloses memory (108,110).

Claim 11 is met by the combined systems of Graczyk and Banker, wherein Graczyk discloses a connector in figure 41.

Claim 15 is met by the combined systems of Graczyk and Banker, wherein Graczyk discloses the display of the data or fax received via the modem that indicates that the upgrade is in use. See the entire reference including but not limited to col. 5, lines 1-14.

Claim 16 is met by the combined systems of Graczyk and Banker, wherein Graczyk discloses an expansion slot in figure 45 that accepts the interface connector as indicated in figure 41.

Claim 19 is met by the combined systems of Graczyk and Banker, wherein Graczyk discloses/illustrates the additional cards, connectors or modules in figures 42, 43 and 44. Note also that figure 45 illustrates the capability of accepting additional cards or boards or modules.

Claims 13 and 20-21 are met by the combined systems of Graczyk and Banker, wherein Graczyk discloses terminal (24) which operates with (ISA) interfaces, COM1, COM2 and COM3 ports (col. 6, line 62 - col. 7, line 8) and SCSI connectors that are serial or daisy chain configurations. (See the entire reference including but not limited to col. 22, lines 52-68).

Claim 22 is met by the combined systems of Graczyk and Banker, wherein Graczyk discloses the simultaneous uses of one or more of the hardware upgrades in col. 5, lines 3-14.

Claim 23 is met by the combined systems of Graczyk and Banker, wherein Graczyk discloses audio program reception hardware (see 18-figure 1 or 530-figure 43 or 510-figure 44).

Considering claims 10 and 12, the combined systems of Graczyk and Banker disclose various types of connectors in columns 12-36 and figures 41-48 (Graczyk). However, they fail to specifically disclose that the interface is a four-wire connector and a multi-pin connector ranging from DB9 and DB25 as recited in the claims.

The examiner takes Official Notice that it is notoriously well known in the art to utilize four-wire connectors and multi-pin connectors ranging from DB9-DB25 to connect one device to another. These are readily available low cost connectors used in television and/or computer terminals and they provide a convenient way to connect and dis-connect devices and electronic products.

It would have been obvious to one of ordinary skill in the art to modify the combined systems of Graczyk and Banker to include a four-wire connector and a multi-

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pin connector ranging from DB9 and DB25 because these are readily available low cost connectors that provide a convenient way to connect and dis-connect devices.

As for claim 18, Graczyk and Banker disclose an electronic visual communication system and more particularly a multi-purpose computerized television system (Graczyk, col. 1, lines 5-10). They also disclosed that various modifications and alternative embodiments are apparent to a person skill in the art. (Graczyk, col. 36, lines 14-22). However, they fail to specifically disclose that the terminal is an HDTV terminal as recited in the claim.

The examiner takes Official Notice that HDTV terminals are notoriously old and well-known terminals in the art for receiving high-resolution television signals and these terminals can be integrated with any other television receiving apparatus.

Therefore, it would have been obvious to one of ordinary skill in the art to modify the combined systems of Graczyk and Banker to include the terminal to be a HDTV terminal because it is a well-known, readily available and modifiable terminal for receiving high-resolution television signals.

As for claims 26-29, Graczyk and Banker disclose receiving television signals from broadcast and cable television stations (col. 5, lines 61-68). However, they fail to specifically disclose an operations center, one or more headends and a satellite broadcasting system as recited in the claims.

The examiner takes Official Notice that an operations center (a central facility to a headend or master headend), one or more headends and a satellite broadcasting system are notoriously old and well-known communication stations that broadcast television signals to subscribers. At these stations (headend, central facilities), television programs are received, processed and prepared for transmission to subscribers.

Therefore, it would have been obvious to one of ordinary skill in the art to modify the combined systems of Graczyk and Banker (if necessary) to include an operations center, one or more headends and a satellite broadcast system because these are typical places where television signals are received processed and prepared for transmission to subscribers.

5. Claims 4-9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Graczyk and Banker, as applied to claim 1 above (paragraph 4), and further in view of Palazzi.

Considering claims 4-9, the combined systems of Graczyk and Banker disclose monitoring financial news via a financial news network in col. 5, lines 3-14 (Graczyk). They fail to specifically disclose that the modem is capable of communicating with interactive service, the interactive service is outside the television program delivery system, the interactive service is selected from the group consisting of home shopping, airline reservations, news, financial information, advertisement, home banking and interactive text, communicating with an on-line database and the on-line database is outside the television program delivery system as recited in the claims.

Palazzi discloses a modem that is capable of communicating with several interactive services and/or on-line databases wherein the interactive services/on-line databases are outside the television network. This provides a terminal with the ability to efficiently communicate with various networks, interactive services and databases. See the entire reference including but not limited to column 1, line 5 - column 4, line 45, column 5, lines 63-66 and column 9, line 60 - column 10, line 35.

It would have been obvious to one of ordinary skill in the art to modify the combined systems of Graczyk and Banker (if necessary) to include a modem capable of communicating with interactive service, the interactive service is outside the television program delivery system, the interactive service is selected from the group consisting of home shopping, airline reservations, news, financial information, advertisement, home banking and interactive text, communicating with an on-line database and the on-line database is outside the television program delivery system, as taught by Palazzi, for the advantage of providing a terminal with the ability to efficiently communicate with various networks, services and databases.

6. Claims 30-42, 45-52, 55-56 and 58-59 are rejected under 35 U.S.C. 103(a) as being unpatentable over Palazzi (of record) and Banker et al. (Banker).

Considering claim 30, Banker discloses a television terminal (40,44, or 48) having microprocessor (128,136) instructions for prompting generation of menus, the television terminal comprising:

- a) a television program receiver (100,150) for receiving television programs from one or more headends (10);
- b) an interface (124, 126) to the television terminal for receiving and processing subscriber input (col. 5, lines 7-25);
- c) modem (col. 4, lines 40-50) capable of communicating with one or more headend (10), wherein the receiver receives television program signals based on subscriber input (see the entire reference including but not limited to col. 4, lines 40-57), wherein the terminal downloads data from one or more headends to a local storage (col. 6, line 59 – col. 7, line 3 and col. 7, lines 24-28);

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d) an output (142, TV 42) connected to the receiver (100,150) and the modem, wherein the output accepts television program signals from the receiver.

However, Banker fails to specifically disclose an output that accepts data signals from the modem and a modem that downloads data from one or more headend to a local storage as recited in the claim.

Palazzi discloses a television terminal comprising a television program receiver (11), a modem (4) an output (9, 10, 15) connected to the receiver (11) and modem (4), wherein the output accepts television program signals from the receiver and data signals from the modem and wherein the modem downloads data from one or more central facility (headend) to a local storage. Palazzi's system provides an efficient system for creating an interactive display terminal for accessing information stored at a central facility and for downloading data for later retrieval. See abstract, col. 3, line 64 - col. 4, line 44 and col. 6, lines 17-38

It would have been obvious to one of ordinary skill in the art to modify Banker's system to include an output that accepts data signals from a modem and a modem that downloads data from a central facility (such as a headend) to a local storage, as taught by Palazzi, for the advantages of providing an efficient interactive display terminal that accesses information stored at a central facility and downloads data to a local storage for later retrieval.

Additionally, it would have been obvious to one of ordinary skill in the art to modify Banker's system (if necessary) to include downloading data from a headend to local storage in a television terminal via a modem since Palazzi demonstrated that modems are used to receive data for local storage in a television terminal from central facilities.

Claim 31 is met by the combined systems of Banker and Palazzi, wherein Banker discloses television (42,46 or 50, figure 1) and Palazzi discloses television (15).

Claim 32 is met by the combined systems of Banker and Palazzi, wherein Palazzi discloses a connector port (10) and Banker's modulator (142) is inherently connected to television (42) via a connector port.

Claim 33 is met by the combined systems of Banker and Palazzi, wherein Banker discloses microprocessor (128, 136) and Palazzi discloses a microprocessor (5).

Claim 34 is met by the combined systems of Banker and Palazzi, wherein Banker discloses a memory (137,134) and Palazzi discloses a memory at col. 6, lines 18-45, 53-54, col. 7, lines 62-68 and col. 9, lines 20-40.

Claims 35-39 are met by the combined systems of Banker and Palazzi, wherein Palazzi discloses interactive services/on-line databases provided by the host databases that are external to the television program delivery system throughout the entire reference including but not limited to column 1, line 5 - column 4, line 45, column 5, lines 63-66 and column 9, line 60 - column. 10, line 35.

Claim 40 are met by the combined systems of Banker and Palazzi, wherein Palazzi discloses online database(s) containing travel information, stock quotation and other data throughout the reference including but not limited to col. 1, lines 15-23, col. 3, lines 25-60 and col. 9, line 60 - col. 10, line 35.

Claim 41 are met by the combined systems of Banker and Palazzi, wherein Palazzi discloses HDTV capability in col. 6, lines 55-64.

Considering claim 42, Banker discloses a method for delivering television programs through a television delivery system (figure 1) with menu selection of programs (figures 5-9) comprising

- a) receiving (100,150) a television program from one or more headends (10);
- b) receiving subscriber input through an interface (124, 126) within a set top terminal, the set top terminal having a microprocessor (128,136) instructions for prompting generation of menus (col. 5, lines 7-25);
- c) communicating through a modem (col. 4, lines 40-50) with one or more headend (10), comprising transmitting data based on subscriber input (see the entire reference including but not limited to col. 4, lines 40-57); and
- d) displaying television programs.

However, Banker fails to specifically disclose receiving data from one or more headend and displaying television program and/or information based on the received data as recited in the claim.

Palazzi, discloses a method comprising:

- a) receiving a television program (11) (col. 7, lines 54-61);
- b) receiving subscriber input (col. 5, lines 63-66 & col. 8, line 23 - col. 9, line 20);
- c) communicating through a modem comprising:
  - (c1) transmitting data based on subscriber input via (keyboard 12) (col. 7, line 62 - col. 9, line 20)
  - (c2) receiving data (col. 5, lines 63-66 and col. 9, lines 2-20); and

d) displaying the television program and/or information based on the received data (see the entire reference including but not limited to col. 3, line 64 - col. 4, line 16, col. 7, lines 54-61 and col. 9, lines 4-29). Palazzi's system provides an efficient system for creating an interactive display terminal for accessing information stored in remote computer databases. See abstract, col. 3, line 64 - col. 4, line 44.

It would have been obvious to one of ordinary skill in the art to modify Banker's system to include receiving data from one or more headend and displaying television program and/or information based on the received data, as taught by Palazzi, for the advantages of providing an efficient interactive display terminal that accesses information stored in remote computer databases and that provides a display of television programs and/or information.

Claims 45-49 are met by the combined systems of Banker and Palazzi, wherein Palazzi discloses interactive services/on-line databases provided by the host databases that are external to the television program delivery system throughout the entire reference including but not limited to column 1, line 5 - column 4, line 45, column 5, lines 63-66 and column 9, line 60 - column 10, line 35.

Claim 50 is met by the combined systems of Banker and Palazzi, wherein Palazzi discloses that online database contains travel information, stock quotation and other data throughout the reference including but not limited to col. 1, lines 15-23, col. 3, lines 25-60 and col. 9, line 60 - col. 10, line 35.

Claims 51-52 are met by the combined systems of Banker and Palazzi, wherein Palazzi discloses the various memory devices at col. 6, lines 18-45, 53-54, col. 7, lines 62-68 and col. 9, lines 20-40.

Claim 55 is met by the combined systems of Banker and Palazzi, wherein Palazzi discloses processing of stored digital data throughout the reference including but not limited col. 6, lines 18-64 and col. 9, lines 20-40.

Claim 56 is met by the combined systems of Banker and Palazzi, wherein Palazzi discloses stored data concerning banking services (economics) and any other local national or regional information services (reference) throughout the entire reference including but not limited to col. 9, line 60 - col. 10, line 4.

Claim 58 is met by the combined systems of Banker and Palazzi, wherein Palazzi discloses remote input from keypad (16), keyboard (12) or the keyboard connected to the CPU via a wireless link (see illustration in figure 1).

Claim 59 is met by the combined systems of Banker and Palazzi, wherein Banker discloses menu generation in figures 5-9 and Palazzi discloses generating menus at col. 9, lines 13-40 and col. 10, lines 16-18.

7. Claims 53-54 are rejected under 35 U.S.C. 103(a) as being unpatentable over Banker and Palazzi, as applied to claim 52 above, and further in view of Sprague (of record).

Considering claims 53 and 54, the combined systems of Banker and Palazzi disclose that various types of memory devices may be used (Palazzi, col. 6, lines 34-38).

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However, they fail to specifically disclose that the memory device is a CD-ROM as recited in the claims.

However, Sprague discloses that CD-ROMs are conventional and commercially available memory devices for storing data or information. See col. 2, lines 6-39 and col. 19, lines 1-16.

It would have been obvious to one of ordinary skill in the art to modify the combined systems of Banker and Palazzi to include the memory device to be a CD-ROM, as taught by Sprague, for the typical advantage of using a conventional and commercially available device to store data.

8. Claims 43-44 and 57 are rejected under 35 U.S.C. 103(a) as being unpatentable over Banker and Palazzi, as applied to claims 42 and 51 above, and further in view of Vogel (of record).

Considering claims 43-44, Banker and Palazzi disclose receiving various types of data but they fail to specifically disclose that the data is information concerning television program and that the information is selected from a group consisting of quizzes, facts, geographical information and product information as recited in the claims.

Vogel discloses data/information concerning television programs (program schedule). Program schedule information includes facts and description of television programs. See the entire reference including but not limited to col. 3, lines 45-65 and col. 8, lines 36-46.

It would have been obvious to one of ordinary skill in the art to modify the combined systems of Banker and Palazzi to include information concerning a television program and that the information is to be selected from a group consisting of at least quizzes, facts, geographical information and product information, as taught by Vogel, for

the typical advantage of receiving program schedule information about programs to inform viewers about current and future television programs.

Claim 57 is met by the combined systems of Banker, Palazzi and Vogel, because Vogel discloses monitoring for reception of the program schedule information and then retrieving digital data after the reception of the program schedule information in col. 3, line 2 - col. 4, line 5.

***Response to Arguments***

9. Applicant's arguments with respect to claims 1-16 and 18-59 have been considered but are moot in view of the new ground(s) of rejection.

**Response to Applicant's arguments**

A) Applicant argues (with respect to claims 1, 14 and 24-25) that Banker does not disclose or teach “**a hardware upgrade**” and “**wherein the...hardware upgrade downloads data from one or more headends to a local storage**” on page 3 – page 4 (line 6) of the amendment filed 2/24/2003.

In response, the Examiner disagrees with the Applicant. First, Banker (5357376) describes an upgrade for a set top terminal (an upgraded set top terminal) that is improved over an older type set top terminal described in the background at columns 1-2 of Banker. Secondly, Banker teaches various memory devices (137,136,134 and 138) that receive downloaded data from the headend and store the data. See column 6, line 59 – column 7, line 28.

For reasons given above, the Examiner posits that Applicant's arguments are not persuasive.

B) Applicant argues claims 1-3, 10-16 and 18-29 over Graczyk and Banker in that they fail to show or suggest "**a hardware upgrade**" or "**a first hardware upgrade**" or "**wherein the hardware upgrade downloads data from one or more headends to a local storage**" or "**wherein the hardware upgrade downloads data from one or more headends to a local storage**" on pages 4-5 of the amendment.

In response, the Examiner disagrees with the Applicant. The combined systems of Graczyk and Banker meet all the limitations of the claim in that: (i) Graczyk discloses a modifiable multipurpose television terminal that receives video signals (ii) Banker (5357376) describes an upgraded or an advanced multipurpose television terminal (i.e. an upgraded set top terminal) and (iii) Banker teaches various memory devices (137,136,134 and 138) that receive download data from the headend and store the data.

For reasons given above, the Examiner posits that Applicant's arguments are not persuasive.

C) Applicant argues claims 30-42, 45-52, 55-56 and 58-59 over Banker and Palazzi in that they fail to show or suggest "**a modem downloads data from one or more headends to a local storage**" on page 5 of the amendment.

In response, the Examiner disagrees with the Applicant. The combined systems of Banker and Palazzi meet all the limitations of the claim in that: (i) Banker describes downloading data to local storage from one or more headends (col. 6, line 59 – col. 7,

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line 3 and col. 7, lines 24-28) and (ii) Palazzi describes downloading and storing data in a local storage from a central facility. Therefore, it would have been obvious to one of ordinary skill in the art to modify Banker's system (if necessary) to include downloading data from a headend to local storage in a television terminal via a modem since Palazzi demonstrated that modems are used to receive data for local storage in a television terminal from central facilities.

For reasons given above, the Examiner posits that Applicant's arguments are not persuasive.

D) Applicant traverses the Official Notice taken in the Office Action on page 6 of the amendment.

In response, the Examiner has now provided references supporting the Official Notices below:

D1) The examiner takes Official Notice that it is notoriously well known in the art to utilize four-wire connectors and multi-pin connectors ranging from DB9-DB25 to connect one device to another. These are readily available low cost connectors used in television and/or computer terminals and they provide a convenient way to connect and dis-connect devices and electronic products.

Hoppal et al. (5195022) disclose multi-pin connectors including four-wire connector (454) throughout the reference including but not limited to figure 4 and column 4, lines 47-66.

Robberts et al. (4747785) disclose DB9-DB25 connectors throughout the reference including but not limited to column 2.

D2) The examiner takes Official Notice that HDTV terminals are notoriously old and well known terminals in the art for receiving high resolution television signals and these terminals can be integrated with any other television receiving apparatus.

Wachob (5231494) discloses HDTV terminal (22) in figure 1.

D3) The examiner takes Official Notice that an operations center (a central facility to a headend or master headend), one or more headends and a satellite broadcasting system are notoriously old and well known communication stations that broadcast television signals to subscribers. At these stations (headend, central facilities), television programs are received, processed and prepared for transmission to subscribers.

Esch (5,283,639) discloses an operations center (London 31) and satellite broadcasting system throughout the entire reference including but not limited to figures 1-6, column 3, lines 45-65 and column 4, lines 32-35.

### *Conclusion*

10. The following are suggested formats for either a Certificate of Mailing or Certificate of Transmission under 37 CFR 1.8(a). The certification may be included with all correspondence concerning this application or proceeding to establish a date of mailing or transmission under 37 CFR 1.8(a). Proper use of this procedure will result in such communication being considered as timely if the established date is within the required period for reply. The Certificate should be signed by the individual actually depositing or transmitting the correspondence or by an individual who, upon information and belief, expects the correspondence to be mailed or transmitted in the normal course of business by another no later than the date indicated.

### **Certificate of Mailing**

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Please refer to 37 CFR 1.6(d) and 1.8(a)(2) for filing limitations concerning facsimile transmissions and mailing, respectively.

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Christopher Grant whose telephone number is (703) 305 4755. The examiner can normally be reached on Monday-Friday 8:00am - 5:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Faile can be reached on (703) 305-4380. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 872 9314 for regular communications and (703) 872 9314 for After Final communications.

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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-4700.



Christopher Grant  
Primary Examiner  
Art Unit 2611

CG  
May 17, 2003